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IRDM.025CCD

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Mark W. Miles  
Appl. No. : 10/082,397  
Filed : August 6, 2002  
For : VISIBLE SPECTRUM  
MODULATOR ARRAYS  
Examiner : Mai, Huy K.  
Group Art Unit : 2873

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence and all  
marked attachments are being transmitted via  
facsimile to the USPTO Central Fax No. (703)  
872-9306 on the date shown below:

November 18, 2004

(Date)  
  
Mark M. Abumeni, Reg. No. 43,458

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Drawings** begin on page 3 of this paper.

**Remarks** begin on page 4 of this paper.

Appl. No. : 10/082,397  
Filed : August 6, 2002

**AMENDMENTS TO THE SPECIFICATION**

Please delete the paragraph at page 7, lines 21-22, as follows:

~~Fig. 23E is a side view of another display configuration.~~

Please replace the paragraph beginning at page 35, line 24 and continuing to page 36, line 2, with the following amended paragraph:

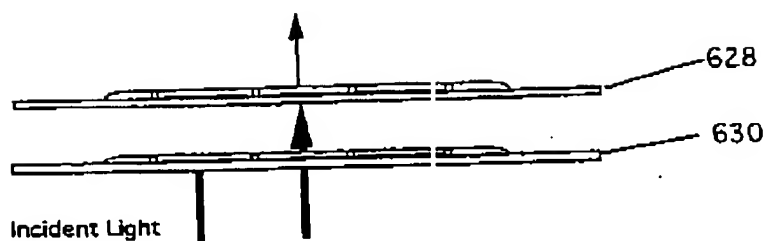
Alternatively ~~Figure 23E shows~~ a display configuration ~~which would utilize~~ utilizes both binary and analog versions of the cavity. In this scheme ~~530 represents~~ there is a binary array which has been designed to modulate across the entire visible spectrum; it is either black or white. ~~Element 628 is~~ There is also an array who output is continuously variable across this spectrum. Using the binary array to perform brightness control and the analog array to perform color selection allows for the generation of images which have a color gamut that is infinitely variable. This approach would make possible more accurate representations of imagery than are currently possible with fixed color filters such as phosphors or dyes.

Appl. No. : 10/082,397  
Filed : August 6, 2002

**AMENDMENTS TO THE DRAWINGS**

Please delete Figure 23E.

Fig. 23e



Appl. No. : 10/082,397  
Filed : August 6, 2002

**REMARKS**

This Amendment accompanies a Petition Under 37 C.F.R. § 1.182 requesting Withdrawal of Applicant's previously submitted Response to Notice of Omitted Items and Restoration of Applicant's original filing date of February 25, 2002. Pursuant to that Petition, Applicant respectfully requests entry of the Amendments to the Specification and Amendments to the Drawings set forth above. The drawings have been amended to delete Figure 23E, and the specification has been amended to delete reference to Figure 23E, for the reasons set forth in the accompanying Petition.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 18, 2004

By: 

Mark M. Abumeri  
Registration No. 43,458  
Customer No. 20,995  
(619) 235-8550

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111704

NOV 18 2004

Docket No.: IRDM.025CCD

Customer No.: 20,995

## AMENDMENT / RESPONSE TRANSMITTAL

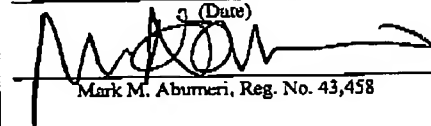
Applicant : Mark W. Miles  
 App. No. : 10/082,397  
 Filed : August 6, 2002  
 For : VISIBLE SPECTRUM  
 MODULATOR ARRAYS  
 Examiner : Mai, Huy K.  
 Art Unit : 2873

CERTIFICATE OF FAX TRANSMISSION  
PTO CENTRALIZED FAX

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 facsimile to the USPTO centralized Fax No.  
 (703) 872-9306 on the date shown below:

November 18, 2004

(Date)



Mark M. Abumeri, Reg. No. 43,458

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Petition under 37 C.F.R. § 1.182 in 3 pages.
- (X) Exhibit A- Copy of Filing Receipt mailed May 31, 2002
- (X) Exhibit B-Copy of Notice of Omitted Items in Nonprovisional Application  
mailed May 31, 2002
- (X) Exhibit C- Copy of Response to Notice of Omitted Items in a Non-Provisional  
Application filed July 31, 2002
- (X) Exhibit D-Copy of Filing Receipt mailed September 23, 2002
- (X) Amendment in 4 pages.

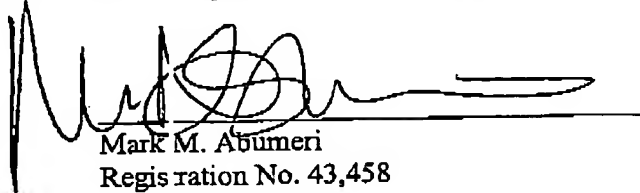
The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	20 - 20 = 0	1202 (\$18)	0 x * =	\$0
Independent Claims	2 - 3 = 0	1201 (\$88)	0 x * =	\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

Docket No.: IRDM.025CCD

Customer No.: 20,995

- (X) Please charge the total fees due in the amount of \$130.00 to Deposit Account No. 11-1410.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.



Mark M. Abumeri  
Registration No. 43,458  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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NOV 18 2004

Attorney's Docket No.: 05652.P013XCD

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark W. Miles

Application No.: 10/082,397

Filed: February 25, 2002

For: Visible Spectrum Modulator Arrays

Assistant Commissioner for Patents  
Box Office of Initial Patent Examination  
Washington, D.C. 20231

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL  
APPLICATION  
(FILING DATE GRANTED)**

Sir:

In response to the Notice Of Omitted item(s) in a Non-Provisional (Filing  
Date Granted) mailed May 31, 2001, please find enclosed:

- (1) Missing Figure 23E as described in the specification.
- (2) a check in the amount of \$130.00 in payment of the surcharge of  
37 C.F.R. § 1.16(e);
- (3) a copy of the Notice of Omitted Item(s) in a Non-Provisional  
Application;




If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

  
Stephen De Klerk  
Registration No. 461,503

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598

**FIRST CLASS CERTIFICATE OF MAILING**

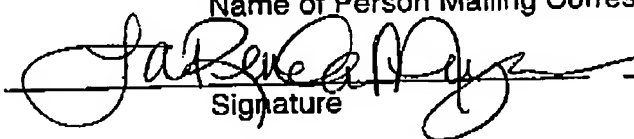
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Parents, Washington, D.C. 20231 on \_\_\_\_\_

July 31, 2002

Date of Deposit

LaRenda Meyer

Name of Person Mailing Correspondence

  
Signature

7/31/02  
Date

05652.P013  
XCD

## UNITED STATES PATENT AND TRADEMARK OFFICE

Iridigm

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE RECT	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/082,397	02/25/2002	2873	496	01568-008003	36	12	6

CONFIRMATION NO. 6992

DAVID L. FEIGENBAUM  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

## FILING RECEIPT

\*OC000000008211800\*

Date Mailed: 05/31/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Mark W. Miles, Boston, MA;

## Assignment For Published Patent Application

Etalon, Inc., a MA corporation;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/378,143 08/10/1999  
WHICH IS A CON OF 08/744,253 11/05/1996 PAT 5,986,796  
WHICH IS A CON OF PCT/US95/05358 05/01/1995

## Foreign Applications

If Required, Foreign Filing License Granted 05/30/2002

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

ENTERED  
JHS DB

Visible spectrum modulator arrays

Preliminary Class  
359

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

*Tridigm P013XCD*  
 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,397	02/25/2002	Mark W. Miles	01568-008003

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JUN 6 2002

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JUN 03 2002

CONFIRMATION NO. 6992

FORMALITIES LETTER

\*OC00000008211801\*

DAVID L. FEIGENBAUM  
 Fish & Richardson P.C.  
 225 Franklin Street  
 Boston, MA 02110-2804

DAVID L. FEIGENBAUM

FISH & RICHARDSON, P.C.  
 BOSTON OFFICE

Date Mailed: 05/31/2002

*7/2/02*  
 NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 23E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(i))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.


In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

ENTERED

DOCKETED BY PRACTICE SYSTEMS

Action Code *NTC of Dim Huel Etc.*  
 Base Date *5/13/02*  
 Due Date *7/31/02*

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



***A copy of this notice MUST be returned with the reply.***

**Customer Service Center**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 COPY 1

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	AT TY, DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/082,397	08/06/2002	2873	498	05652.P013XCD	37	12	6

CONFIRMATION NO. 6992

James H. Salter  
Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025

**RECEIVED**  
SEP 26 2002

## UPDATED FILING RECEIPT

00000000008830554

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LOS ANGELES

Date Mailed: 09/23/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s).

Mark W. Miles, Boston, MA;

## Assignment For Published Patent Application

Etalon, Inc., a MA corporation;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/378,143 08/20/1999 ABN  
WHICH IS A CON OF 08/744,253 11/05/1996 PAT 5,986,798  
WHICH IS A CON OF PCT/US95/05358 05/01/1995

## Foreign Applications

If Required, Foreign Filing License Granted 05/30/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

**ENTERED**

SEP 27 2002

STATUS DB-LA

**ENTERED**  
**DB**



Visible spectrum modulator arrays

Preliminary Class  
359

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).